

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL LYN NISBET,

Defendant.

CR 15-40-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on June 15, 2016. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Paul Lyn Nisbet’s guilty plea after Nisbet appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiracy in violation of 18

U.S.C. § 371 (Count I), as set forth in the Second Superseding Indictment. Defendant further admits to the First Forfeiture allegation. In exchange for Defendant's plea, the United States has agreed to dismiss Counts 2-218 and the Second and Third Forfeiture allegations in the Second Superseding Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 54), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Paul Lyn Nisbet's motion to change plea (Doc. 44) is GRANTED and Paul Lyn Nisbet is adjudged guilty as charged in the Second Superseding Indictment.

DATED this 1st day of July, 2016.



Dana L. Christensen, Chief District Judge
United States District Court